

STEPHANIE M. HINDS (CABN 154284)  
United States Attorney

THOMAS A. COLTHURST (CABN 99493)  
Chief, Criminal Division

LINA PENG (NYBN 5150032)  
Assistant United States Attorneys

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102-3495  
Telephone: (415) 436-7200  
FAX: (415) 436-7027  
Lina.Peng@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	CASE NO.: 22 CR 447 JSW
	)	
Plaintiff,	)	ORDER DETAINING DEFENDANT PRIOR
	)	TO TRIAL
v.	)	
	)	
EMONIE BAILEY,	)	
	)	
Defendant.	)	

On November 29, 2022, an Indictment was filed in the Northern District of California charging Defendant Emonie Bailey, with one count of violating Title 18, United States Code, Section 922(g)(1) – Felon in Possession of a Firearm and/or Ammunition. Defendant made his initial appearance and was arraigned on his Indictment in the Northern District of California on January 5, 2023, and the Court held a detention hearing on January 12, 2023.

At the detention hearing, Defendant was present and represented by Shaffy Moeel. A United States Pretrial Services Agency Officer was also present at the hearing. Pretrial Services submitted a report that recommended detention on grounds of both Defendant’s risk of flight and danger to the community. The Government moved for detention and filed a motion (ECF No. 29) and provided the parties and the Court with copies of relevant police reports. Defendant opposed. The parties submitted

ORDER DETAINING DEFENDANT PRIOR TO TRIAL  
22 CR 447 JSW

1 proffers and arguments.

2       Upon consideration of the court file and the party proffers at the detention hearing, the Court  
3 finds by a preponderance of the evidence that no combination of conditions will reasonably assure  
4 Defendant's appearance as required and by clear and convincing evidence that no condition or  
5 combination of conditions will reasonably assure the safety of the community. Accordingly, the Court  
6 orders Defendant detained pending trial.

7       This Order supplements the Court's findings at the detention hearing and serves as written  
8 findings of fact and statement of reasons as required by Title 18, United States Code, Section 3142(i).

9       The Bail Reform Act of 1984 sets forth the factors the Court must consider in determining  
10 whether pretrial detention is warranted. In coming to its decision, the Court has considered those  
11 factors, paraphrased below:

- 12       (1) the nature and seriousness of the offense charged;
- 13       (2) the weight of the evidence against the person;
- 14       (3) the history and characteristics of the person including, among other considerations, ties to  
15       the community, employment, past conduct and criminal history, and record of court appearances;  
16       and,
- 17       (4) the nature and seriousness of the danger to any person or the community that would be posed  
18       by the person's release.

19 See 18 U.S.C. § 3142(g).

20       After considering all of the facts and proffers presented at the hearing, including the information  
21 contained in the Pretrial Services report, the government's detention memorandum and the  
22 accompanying police reports provided, the Court finds that no condition or combination of conditions  
23 will reasonably assure Defendant's appearance as required or the safety of the community, including  
24 because of: (1) the Defendant's extensive criminal history, including that he had previously been  
25 convicted of offenses involving using firearms during acts of violence; (2) the Defendant's history of  
26 fleeing from law enforcement, including during his arrest for the instant offense requiring drone support  
27 and an hours-long search before he was located; (3) the Defendant was on parole and probation during  
28


1 the time he committed the instant offense and (4) the Defendant's repeated possession of firearms,  
2 including the number of firearms and ammunition involved in the instant offense.

3 Accordingly, pursuant to 18 U.S.C. § 3142, IT IS HEREBY ORDERED THAT:

- 4 (1) Defendant is committed to the custody of the Attorney General for confinement in a  
5 corrections facility separate, to the extent practicable, from persons awaiting or serving  
6 sentences or being held in custody pending appeal;
- 7 (2) Defendant be afforded reasonable opportunity for private consultation with his counsel;  
8 and,
- 9 (3) on order of a court of the United States or on request of an attorney for the government,  
10 the person in charge of the corrections facility in which Defendant is confined shall  
11 deliver Defendant to an authorized Deputy United States Marshal for the purpose of any  
12 appearance in connection with a court proceeding.

13  
14 IT IS SO ORDERED.

15  
16 January 13, 2023

  
HON. KANDIS A. WESTMORE  
United States Magistrate Judge